

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No: 1:15 CV 1046
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
CITY OF CLEVELAND,)	
)	
Defendant)	<u>STATUS CONFERENCE ORDER</u>

On January 18, 2024, at 3:00 p.m., the court held a telephonic status conference in the within case with counsel for the parties and the Monitor, Karl Racine (“Monitor”). At the conference, the Monitor and the parties discussed the Monitor’s assessment plan and priorities for 2024; the Monitoring Team’s budget, invoices, and staffing; the status of the revised Collective Bargaining Agreement between the City of Cleveland (the “City”) and the police unions, which had previously been a source of concern for the Monitor and the Department of Justice (“DOJ”); and the process regarding the Community Police Commission’s (the “Commission” or “CPC”) requests for documents and information from the City.

With respect to the budget, the court and counsel for the parties recognized that the expenses incurred by the Monitor and the Monitoring Team would increase as a result of the assessments being completed. With respect to the invoices, counsel for the parties and the Monitor discussed billing issues that have slowed the payment of invoices submitted by the Monitor. The court

recognized the potentially adverse effect that delayed payments resulting from disputes over the Monitoring Team's billing may have on team morale within the Monitoring Team. Accordingly, the court is prepared to intervene and review any contested items on the Monitoring Team's invoices if the parties are unable to resolve the disputes themselves. This will ensure that members of the Monitoring Team are paid in a timely fashion.

With respect to staffing, the Monitor informed the court that he is looking to add up to four subject-matter experts and a senior paralegal to the Monitoring Team to fill the loss in expertise and skill-sets the Monitoring Team has suffered as a result of team turnover during and after the transition. To date, the City is still raising concerns regarding the Monitor's desire to hire a senior paralegal to backfill the role currently held by outgoing Monitoring Team member, Lisa Fink. The court hereby orders the parties to confer on the matter in an attempt to reach an agreement. If the parties are unable to reach agreement by January 29, 2024, the City shall notify the court in writing, and the DOJ shall file a response. The court will then schedule a brief conference to resolve the matter.

The City noted that it receives voluminous requests from individual CPC members and the Executive Director. They also have received requests for law enforcement sensitive material, for example, to which the CPC is not entitled. The DOJ noted that it had heard that the requests to the City were substantially backlogged, and the Monitor confirmed this. The DOJ's primary concern was that it receive notice of the requests and that the City timely responded by providing the documents or objecting to them on whatever grounds it deemed appropriate. As a first step, the court hereby orders the parties and the Monitor to discuss and develop a process by which the Monitor and DOJ can be put on notice of document requests to which the City objects, so that the DOJ may respond.

The parties and the Monitor shall have until March 18, 2024, to develop such a process and notify the court once they have done so. The City might also seek to engage with the incoming counsel for the CPC around the issue of developing a process for streamlining the document requests of the CPC.

Finally, in addition to the semiannual status conferences the court has typically held in this case, the court plans to continue to hold status conferences with the parties on a more frequent basis. The court will inform the parties if and when these status conferences will be held on the record.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

January 23, 2024